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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re	)	Case No. 09-40998
)	
Tiffany Short,	)	R.S. #77-54B
Debtor(s).)	
_____	)	CHAPTER 13
)	
California Housing Finance Agency, its	)	<u>MOTION FOR RELIEF FROM THE</u>
assignees and/or successors in interest,	)	<u>AUTOMATIC STAY</u>
)	
Movant,	)	Hearing:
)	
vs.	)	Date: November 23, 2011
	)	Time: 10:00 a.m.
Tiffany Short,	)	Place: Courtroom 215
Martha G. Bronitsky, Trustee,	)	1300 Clay Street
	)	Oakland, CA
Respondents.)	
)	
)	
)	
_____)	

California Housing Finance Agency ("CHFA"), its assignees and/or successors in interest, moves the Court for relief from the automatic stay provided by 11 U.S.C. §362 as in moving party and the Trustee under the Deed of Trust securing Movant's claim so that Movant and its Trustee may commence and continue all acts necessary to foreclose under the Deed of Trust secured by the Debtor's property.

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1 This Motion is brought pursuant to 11 U.S.C. §362 (d)(1) for “cause” for the
2 Debtor's failure to make required post-petition payments as set forth in the Declaration of
3 Rhonda Barrow, filed concurrently herewith. A set for In re Ellis, 60 B. R. 432, the failure to
4 make required payments constitutes “cause” to vacate the stay.

5 Furthermore, Movant will also seek attorney fees and costs incurred in
6 bringing this Motion. Movant requests such fees pursuant to the terms of the Note and Deed
7 of Trust as set forth in 11 U.S.C. § 506(b). Movant also seeks all other relief that the Court
8 deems just and appropriate.

9 This Motion is based on these moving papers as well as the Declaration of
10 Rhonda Barrow and the exhibits attached thereto, which have been served and filed
11 concurrently herewith.

12 In the event neither the Debtor nor her counsel appear at the hearing on this
13 Motion, the Court may grant relief from the automatic stay thereby permitting Movant to
14 foreclose on the Debtor’s real property located at 5343 Broadway Terrace #203, Oakland,
15 California and obtain possession of said property without further hearing. Lastly, Movant
16 prays that the court waive the 14 day waiting period set forth in FRBP 4001(a)(3).
17

18 Movant prays that they may be permitted to offer and provide Debtor with
19 information re: a potential Forbearance Agreement, Loan Modification, Refinance Agreement,
20 or other Loan Workout/Loss Mitigation Agreement, and to enter into such agreement with.
21 Movant also prays that the 14 day stay set forth in FRBP 4001 (a)(3) be waived.
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23
24 DATED: November 1, 2011

LAW OFFICES OF LES ZIEVE

25 /s/ Les Zieve

26 LES ZIEVE
27 Counsel for Movant
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